

Appl. No. : **09/869,408**
Filed : **October 1, 2001**

REMARKS

In response to the Office Action mailed on March 25, 2005, Applicant has amended the application as above.

Discussion of Claim Amendments

Independent Claims 1, 11, 27, 28, and 29 have been amended to clarify that the system involves “receiving a user initiated communications call.” Upon the entry of the amendments, Claims 1-29 are pending in this application. The amendments are supported, for example, by pages 4-5 lines 32-3. These amendments are merely made for clarification and do not narrow the scope of protection. Furthermore, no new matter is added by the amendments. Applicant respectfully requests the entry of the amendments.

Discussion of Claim Rejections Under 35 U.S.C. § 102(e)

The Examiner has rejected Claims 1-29 as being anticipated under 35 U.S.C. § 102(e) by Granberg et al (U.S. Patent No. 6,101,387; hereinafter Granberg). Applicant respectfully traverses the Examiner’s claim rejections as discussed below.

Standard of Review

“For a prior art reference to anticipate a claim under 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference.” Diversitech Corp. v. Century Steps, Inc., 850 F.ed 675, 677, 7 USPQ 2d 1315, 1317 (Fed. Cir. 1988).

The Examiner’s Contentions

In the Office Action, the Examiner contended the following:

“Applicant argues that, in Granberg, the network location determined is not a location for obtaining service data, but rather, it is a location for terminating or directing the call. Examiner respectfully disagrees with this argument. The network location (HLR 16) determined, in Granberg, is a location for obtaining service data (col. 5 lines 31-34 and col. 5-6 lines 57-3). Applicant states that Granberg does not discuss determining both a network location and a communication protocol for connecting to the location to obtain the service data. Granberg,

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however, does discuss determining both a network location (HLR 16) and a communication protocol (MSC/VRL 14) for connecting to the location to obtain the service data (col 5-6 lines 57-3 and col. 6 lines 30-48). Applicant further argues that, in Granberg, services are determined locally by a predetermined servicing MSC and are not centralized in a gateway. The gateway (Gateway Mobile Switching Center 12), disclosed in Granberg, does determine the services that are available (col. 4 lines 58-65). Applicant states that Granberg does not teach a method that includes “processing characteristic data associated with a communications call at a network switch to determine if intelligent network (IN) service data is required to establish said call.” Examiner respectfully disagrees with this argument. Granberg does teach a method that includes processing characteristic data associated with a communications call at a network switch (Mobile Switching Center 14) to determine if intelligent network (IN) service data is required to establish said call (col. 4 lines 49-65 and col. 4-5 lines 66-20).”

The Granberg System

In the system of Granberg, mobile stations have each subscribed to a set of optional services, such as call forwarding (Col 5 Lines 31-34). Additionally, each geographical area supports a set of services (Col 5 Lines 49-52). When a mobile station moves from one geographical area to another, the mobile station communicates with the MSC/VLR which determines which services that mobile station has subscribed to. The HLR looks up the service data, communicates the data to the MSC/VLR which then communicates to the mobile station which subscribed to services are available in that geographical area (Col 6 Lines 41-46).

Distinctions over Granberg

After careful review of the cited art Applicant respectfully submits that the system of Granberg does not anticipate Applicants Claims 1, 11, 27, 28, and 29.

A first distinction is that in the system of Granberg there is no user initiated call. The communications of the Granberg system are all between a mobile station and network components, and are not initiated by a user. Referring to Granberg Figure 3 initiation of the system is described “Upon entering a MSC/VLR service area or a location area within the current MSC/VLR service area as indicated at reference numeral 1, the mobile station 20 registers with

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the MSC/VLR 22 now serving the mobile station by sending a registration message indicated at reference numeral 2" (Col 6 Lines 19-24). This registration is generated by communication between the mobile station and the MSC/VLR, and is not "a user initiated communications call." Claims 1 and 11 have been amended to clarify inclusion of such an element. Each of the methods of Claims 1 and 27 comprise "receiving a user initiated communications call." Each of the network systems of Claim 11, 28 and 29 comprise "a network switch for receiving a user initiated communications call." Granberg does not teach or suggest "receiving a user initiated communications call" in combination with the other elements of Applicants Claims 1, 11, 27, 28, or 29, for example "processing characteristic data associated with the communications call at a network switch to determine if intelligent network (IN) service data is required to establish said call."

Furthermore, the system of Granberg does not determine a communication protocol. The various system components communicate with an established protocol, and there is no need to determine one. "Using well-known, established protocols and procedures, the call is forwarded over the radio interface by that base station 18 to the called mobile station 20" (Col 5 Lines 38-40). Having an established protocol renders the act of determining a protocol as unnecessary. Granberg does not teach or suggest a need to determine a communication protocol.

Similarly, the system of Granberg does not determine if intelligent network service data is required to establish the call. Firstly, as discussed above there is no user initiated communications call to establish in the system of Granberg. It follows therefore that there cannot be a determination if intelligent network service data is required to establish the call. Furthermore, the system of Granberg always requires the same kind of network service data. As discussed above the system of Granberg always determines available network services and communicates the available services to the mobile station. Thus, the system of Granberg has no need to determination if intelligent network service data is required. There is, therefore no teaching or suggestion of determining whether or not to use the intelligent network in Granberg.

Applicant respectfully submits, that as Granberg does not teach or suggest at least receiving a user initiated communications call and carrying out associated steps to establish the call, determining a communication protocol, or determining if intelligent network service data is required, Applicants Claims 1, 11, 27, 28, and 29 are distinctly patentable over Granberg and are

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in condition for allowance. Applicant further submits that as Claims 2-10 and 12-26 each depend from either Claim 1 or Claim 11, Claims 2-10 and 12-29 overcome Granberg, and are in condition for allowance

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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